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09/728,727	11/30/2000	Christopher Michael Welborn		5316

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EXAMINER	
ABRISHAMKAR, KAVEH	
ART UNIT	**PAPER NUMBER**
2131	

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/728,727	WELBORN ET AL.	
	Examin r	Art Unit	
	Kaveh Abrishamkar	2131	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on June 25, 2004. Claims 1 – 17 were originally received for consideration. Per the received amendment, claims 1 – 17 were cancelled and new claims 18 – 37 were added. Claims 18 – 37 are currently being considered.

Claim Rejections - 35 USC § 112

2. Claims 21, 22, 29, 30, and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Newly added claim 21 recites "creates a second web page list of email users." This limitation is not mentioned in the specification and therefore is new matter.

Newly added claims 22 and 29 recite "sends an e-mail to a preset e-mail address." This limitation is not mentioned in the specification and therefore is new matter.

Newly added claim 30 recites "the web page list of e-mail users who may not activate a computer virus." This limitation is not mentioned in the specification and therefore is new matter.

Newly added claim 37 recites "a second list of e-mail users who do not activate the mock virus." This limitation is not mentioned in the specification and therefore is new matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 18, 20-26, 28 – 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. (U.S. Patent 6,618,747).

Regarding claim 18, Flynn discloses:

A computer virus avoidance website including a mock computer virus; and

an e-mail system with e-mail users (Figure 1, column 5 line 55 – column 6 line 65, column 7 lines 6 – 19);

wherein the computer virus avoidance website provides a list of e-mail addresses of e-mail users (Figure 1, column 5 line 55 – column 6 line 65, column 7 lines 6 – 19);

sends an e-mail with the mock computer virus to an e-mail address from the list of e-mail addresses (Figure 1, column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

Flynn does not explicitly disclose creating a first web page list of e-mail users who activate the mock computer virus. However, Flynn does disclose the generation of a HTML link from the recipient to the Web Server (Figure 1 item 5). The displaying of HTML links on a Web Server is well-known in the art, and as long as the Web Server has access to the email addresses of the recipients that opened the attachment, displaying the address on the Web is a logical step if the sender wanted to show the recipients acknowledgements without sending an email or initiating any other sort of communication. Therefore it would have been obvious to one of ordinary skill in the art to display the list of addresses on the Web to show the recipients acknowledgements without sending an email or initiating any other sort of communication.

Claim 20 is rejected as applied above in rejecting claim 18. Furthermore, Flynn discloses:

The computer virus avoidance website of claim 18, wherein the computer virus avoidance website further sends an anti-computer virus message e-mail to the e-mail user who activates the computer virus (column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

Claim 21 is rejected as applied above in rejecting claim 18. Furthermore, Flynn discloses:

The computer virus avoidance website of claim 18. Flynn does not explicitly disclose creating a second web page list of e-mail users who do not activate the mock virus and the second web page list of e-mail users is used to reward e-mail users whose behavior may avoid activation of a computer virus. However, Flynn does disclose the generation of a HTML link from the recipient to the Web Server (Figure 1 item 5). The displaying of HTML links on a Web Server is well-known in the art, and as long as the Web Server has access to the email addresses of the recipients that opened the attachment, displaying the address on the Web is a logical step if the sender wanted to show the recipients acknowledgements without sending an email or initiating any other sort of communication. Therefore it would have been obvious to one of ordinary skill in the art to display the list of addresses on the Web to show the recipients acknowledgements without sending an email or initiating any other sort of communication.

Claim 22 is rejected as applied above in rejecting claim 18. Furthermore, Flynn discloses:

The computer virus avoidance website of claim 18, wherein the mock computer virus sends an e-mail to a preset e-mail address when the mock computer virus is activated (Figure 1, column line 55 – column 6 line 65, column 7 lines 6 – 19).

Claim 23 is rejected as applied above in rejecting claim 18. Furthermore, Flynn discloses:

The computer virus avoidance website of claim 18, wherein the first web page list of e-mail user who activate the mock virus is used to modify the behavior of e-mail users who may activate a compute virus (column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

Claim 24 is rejected as applied above in rejecting claim 18. Furthermore, Flynn discloses:

The computer virus avoidance website of claim 18, wherein the first web page list of e-mail user who activate the mock computer virus is used to measure the change in behavior of e-mail users who may activate a computer virus (column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

Claim 25 is rejected as applied above in rejecting claim 18. Furthermore, Flynn discloses:

The computer virus avoidance website of claim 18, wherein the list of e-mail addresses of e-mail users is derived from the directory of e-mail user address of the e-mail system (column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

Regarding claim 26, Flynn discloses:

A mock computer virus (column 5 line 55 – column 6 line 65);

an email system with e-mail with e-mail users wherein an e-mail with the mock computer virus is sent to an e-mail user from the web page list of e-mail addresses of e-mail users and when the e-mail user activates the mock computer virus, the e-mail user is added to the web page list of e-mail users who may activate a computer virus (Figure 1, column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

Flynn does not explicitly disclose a web site providing a web page list of e-mail address of e-mail users and a web page list of e-mail users who may activate a computer virus. However, Flynn does disclose the generation of a HTML link from the recipient to the Web Server (Figure 1 item 5). The displaying of HTML links on a Web Server is well-known in the art, and as long as the Web Server has access to the email addresses of the recipients that opened the attachment, displaying the address on the Web is a logical step if the sender wanted to show the recipients acknowledgements without sending an email or initiating any other sort of communication. Therefore it would have been obvious to one of ordinary skill in the art to display the list of addresses on the Web to show the recipients acknowledgements without sending an email or initiating any other sort of communication.

Claim 28 is rejected as applied above in rejecting claim 26. Furthermore, Flynn discloses:

The mock computer virus of claim 26, wherein the mock computer virus causes an anti-computer virus message e-mail to be sent to the e-mail user that activates the mock computer virus (column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

Claim 29 is rejected as applied above in rejecting claim 26. Furthermore, Flynn discloses:

The mock computer virus of claim 26, wherein the mock computer virus sends an e-mail to a preset e-mail address when the mock computer virus is activated (Figure 1, column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

Claim 30 is rejected as applied above in rejecting claim 26. Furthermore, Flynn discloses:

The mock computer virus of claim 26. Flynn does not explicitly disclose the e-mail user being added to a web page list of e-mail users who may not activate a computer virus when the e-mail user does not activate the mock computer virus and the web page list of e-mail users who may not activate a computer virus is used to reward e-mail users whose behavior may not activate a computer virus. However, Flynn does disclose the generation of a HTML link from the recipient to the Web Server (Figure 1 item 5). The displaying of HTML links on a Web Server is well-known in the art, and as long as the Web Server has access to the email addresses of the recipients that opened the attachment, displaying the address on the Web is a logical step if the sender wanted to show the recipients acknowledgements without sending an email or initiating any other sort of communication. Therefore it would have been obvious to one of ordinary skill in the art to display the list of addresses on the Web to show the recipients

acknowledgements without sending an email or initiating any other sort of communication.

Claim 31 is rejected as applied above in rejecting claim 26. Furthermore, Flynn discloses:

The mock computer virus of claim 26, wherein the web page list of e-mail users who may activate a computer virus is used to modify the behavior of e-mail users who may activate a computer virus (column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

Claim 32 is rejected as applied above in rejecting claim 26. Furthermore, Flynn discloses:

The mock computer virus of claim 26, wherein the web page list of e-mail users who may activate a computer virus is used to measure the change in behavior of e-mail users who may activate a computer virus (column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

Claim 33 is rejected as applied above in rejecting claim 26. Furthermore, Flynn discloses:

The mock computer virus of claim 26, wherein the web page list of e-mail addresses is derived from the directory of e-mail addresses of e-mail users of the e-mail system (column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

Regarding claim 34, Flynn discloses:

A web page list of e-mail users that activate a mock computer virus;

a mock computer virus (column 5 line 55 – column 6 line 65);

an email system with e-mail users wherein an e-mail with the mock computer virus is sent to an e-mail user from the web page list of e-mail addresses and when the e-mail user activates the mock computer virus, the e-mail user is added to the web page list of e-mail users than activate a mock computer virus (Figure 1, column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

Flynn does not explicitly disclose a web site providing a web page list of e-mail address of e-mail users and a web page list of e-mail users who may activate a computer virus. However, Flynn does disclose the generation of a HTML link from the recipient to the Web Server (Figure 1 item 5). The displaying of HTML links on a Web Server is well-known in the art, and as long as the Web Server has access to the email addresses of the recipients that opened the attachment, displaying the address on the Web is a logical step if the sender wanted to show the recipients acknowledgements without sending an email or initiating any other sort of communication. Therefore it would have been obvious to one of ordinary skill in the art to display the list of addresses on the Web to show the recipients acknowledgements without sending an email or initiating any other sort of communication.

Claim 35 is rejected as applied above in rejecting claim 34. Furthermore, Flynn discloses:

The web page list of e-mail user that activate a mock computer virus of claim 34, wherein the web page list of e-mail users that activate a mock computer virus is used to modify the behavior of e-mail users that may activate a computer virus (column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

Claim 36 is rejected as applied above in rejecting claim 34. Furthermore, Flynn discloses:

The web page list of e-mail users that activate a mock computer virus of claim 34, wherein the web page list of e-mail users that activate a mock computer virus is used to measure the change in behavior of e-mail users that may activate a computer virus (column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

Claim 37 is rejected as applied above in rejecting claim 34. Furthermore, Flynn discloses:

The web page list of e-mail users that activate a mock virus of claim 34, wherein a second list of e-mail users who do not activate the mock virus is used to reward e-mail users whose behavior may not activate a computer virus (column 5 line 55 – column 6 line 65, column 7 lines 6 – 19).

4. Claims 19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. (U.S. Patent 6,618,747) in view of Gough et al. (U.S. Patent 6,687,740).

Claim 19 is rejected as applied above in rejecting claim 18. Furthermore, Flynn discloses:

The computer virus avoidance website of claim 18. Lynn does not explicitly teach displaying an anti-computer virus message to the e-mail user who activates the mock computer virus. Gough teaches an "application program" that is attached to a message, and when this application program is opened, any text can be displayed (column 3 lines 35 – 50). It was well-known in the art at the time of the applicant's invention, that an attachment to an email could be almost of any nature, including text. Therefore it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to use the text feature to display a text message to a user in cases where acknowledgements or an instruction are desired to be given without interrupting the text of the email message.

Claim 27 is rejected as applied above in rejecting claim 26. Furthermore, Flynn discloses:

The mock computer virus of claim 26. Flynn does not explicitly disclose displaying an anti-computer virus message to the e-mail user when the mock computer virus is activated. Gough teaches an "application program" that is attached to a

message, and when this application program is opened, any text can be displayed (column 3 lines 35 – 50). It was well-known in the art at the time of the applicant's invention, that an attachment to an email could be almost of any nature, including text. Therefore it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to use the text feature to display a text message to a user in cases where acknowledgements or an instruction are desired to be given without interrupting the text of the email message.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA
12/28/04

